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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,166	11/22/1999	YOSHIMASA HOSONUMA	13167	8299

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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
GARDEN CITY, NY 11530

EXAMINER
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CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/444,166

**Applicant(s)**

HOSONUMA

**Examiner**

Joy K Contee

**Art Unit**

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-6,8-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6,8-12,14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on March 4, 2004 have been considered but they are not persuasive.

In response to applicant's amendment, the recitation "a ground line, said ground line comprising" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2-6,8-12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by over Eda et al. ("Eda"), U.S. Patent No. 5,387,888.

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Regarding claims 4,10 and 16, Eda discloses a flexible board (and method of fabricating and a cellular phone including comprising:

- (a) an internal layer (2,2' in Fig. 1) (col. 3, lines 26-40);
- (b) a line (1 in Fig. 1) formed in a first area of said internal layer, said line radiating unnecessary radiation (col. 3, lines 26-40);
- (c) a first ground layer (3 in Fig. 1) formed on an upper surface of said internal layer, said first ground layer disallowing radiation to pass therethrough (col. 3, lines 26-40); and
- (d) a second ground layer (4 in Fig. 1) formed on a lower surface of said internal layer, said second ground layer disallowing radiation to pass therethrough (col. 3, lines 26-40).

Regarding claims 2,8 and 14 Eda, further discloses the flexible board (and fabrication of) as set forth in claims 4,10 and 16, respectively, further comprising:

- (e and d) inherently, a first cover layer (3 in Fig. 1) formed over a surface (i.e., reads on top surface) of said first ground layer (col. lines 33-40); and
- (f and e) inherently, a second cover layer (4 in Fig. 1) formed over a surface (i.e., reads on bottom surface) of said second ground layer (col. 3, lines 33-40)

Regarding claims 3,9 and 15, Eda further discloses the flexible board (and fabrication of) as set forth in claims 2, 8 and 14, respectively, further comprising electrically insulating adhesive layers (i.e., it is inherent in a multi-layer substrate to use adhesive layers in order for the stripline

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and dielectric layers can be held together) sandwiched among said internal layer, said first and second ground layers, and said first and second cover layers (see Fig. 1) .

Regarding claims 5,6, 11,12, 17 and 18 Eda further discloses the flexible board (and fabrication of) as set forth in claims 4,10 and 16, respectively, wherein a plurality of through-holes (i.e., reads on via holes) is formed throughout (i.e., electrically connecting) said first ground layer, said internal layer (i.e., includes said ground line), and said second ground layer (col. 2, lines 33-35).

#### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is (703) 308-0149.

The examiner's normal working hours are between 5:30 a.m. and 2:00 p.m., Monday through Friday.

If the examiner can not be reached, the examiner's supervisor, Charles Appiah can be reached on (703)305-4772.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Customer Service Office whose telephone number is (703)306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231


**or faxed to:** ((703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT"))

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.*

*VA., Sixth Floor (Receptionist).*

  
Joy K. Contee

May 14, 2004

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**